

REMARKS

Applicant has reviewed the Examiner's rejections and has amended the claims so as to overcome the rejections of the Examiner and so as to place the case in condition for allowance at the present time.

The Examiner has rejected claims 1, 4-9 and 39 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,265,753 issued to Moorman. The Examiner has further rejected claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over the '753 patent in view of U.S. Pat. No. 4,815,631 issued to Egg et al.

Applicant has reviewed the Examiner's rejections and has indicated that the outer peripheral wall of the spout 21 is being read on the claimed "retention collar." Applicant disagrees with the Examiner. To be sure, if the spout is the retention collar, then the last step of the method is an impossibility, namely, how can the spout be extended through itself. Applicant wholly cannot understand the rejection or the response to Applicant's argument.

To expedite prosecution of the application, however, Applicant has further amended the claim to specifically identify the retention collar structure and that the retention collar is separate from the carton. This structure is found in the specification in Figures 9 and 17. The retention collar as specifically claimed is not disclosed nor suggested in the prior art. The retention collar features are also claimed in the allowed co-pending application, serial number 10/561,676.

Applicant submits that the foregoing amendment defines over the prior art of record and that the claims should be in condition for allowance at the present time. Reconsideration is therefore respectfully solicited.

In light of the foregoing, Applicant submits that the remaining claims, namely claims 1 through 9 and 39 should be deemed allowable at the present time. Reconsideration and passage to allowance is respectfully solicited.

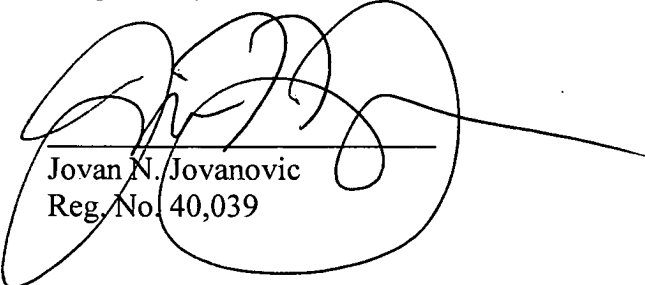
Applicant respectfully requests a one month extension of time. A PTO-2038 is included for the same.

If any other charges or fees must be paid or credited in connection with this communication, they may be paid or credited out of Deposit Account No. 50-4229.

Should anything further be required, a telephone call to the undersigned at (616) 797-1000 is respectfully solicited.

Respectfully submitted,

Dated: November 23, 2009



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